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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,605	12/28/2000	Masashi Saito	F-6793	6757

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Jordan and Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/06/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,605

Applicant(s)

SAITO, MASASHI

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. Figures 4-6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over SUNPAK Catalog in view of Mori, Patent 4,268,141.

Regarding claim 1, if the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. The claim

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preamble must be read in the context of the entire claim. Therefore an intraoral imaging camera system was not considered as a limitation since is stated as an intended use in the preamble. See MPEP § 2111.02.

SUNPAK teaches a camera (Sony CyberShot DSC-D770) comprising; a ring flash provided on the lens-barrel so as to surround the objective (See SUNPAK Catalog, part DX 8R); a metering sensor (See SUNPAK Catalog, part DX 8R; also part CA-2D), also teaches a meter sensor adapter (SUNPAK Catalog, parts EXT-09 and EXT-10) that enable the user to change the location of the meter sensor to a desired location (i.e. on the lens barrel) (SUNPAK Catalog, parts EXT-09 and EXT-10) and a controller (SUNPAK Catalog, part DX 8R).

Official Notice is taken that it is notoriously well known in the art that a Sony CyberShot DSC-D770 camera is a digital camera including a camera body which comprises a lens-barrel having an optical system and an objective, a finder, a monitoring liquid crystal display, a release button. It is also that the SUNPAK DX 8R controller has a power supply (Uses 4-AA batteries).

SUNPAK does not teach the sensor meter provided on the lens barrel and a light receiving surface provided on the metering sensor so as to be inclined at a predetermined angle with respect to a surface which is perpendicular to an optical axis of the optical system, for the receiving reflected light of flash light emitted by the ring flash that has been reflected by the subject and returns to the camera body side.

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However, Mori teaches a photo-detection adapter for an automatic strobe comprising a supporting means (Fig. 2(c): 11) attachable to a barrel of a photographic lens (See fig. 2(c)) and a photo-detection body (Fig. 2(c): 7) that is rotatably mounted on the supporting means by a bolt (Fig. 2(a): 5) and the nut (Fig. 2(a): 6). Mori teaches that the direction of the photo-detection body can be adjusted most appropriately to receive the reflection light from the photographic object (Col. 3, line 65 – col. 4, line 23).

Therefore, taking the combined teaching of SUNPAK in view of Mori as a whole, it would have been obvious to one of ordinary skilled in the art to modify SUNPAK by installing a supporting means for mounting the sensor meter on the lens barrel having a bolt on said supporting means so as to incline the light receiving surface of the sensor at a predetermined angle with respect to an axis of the camera optical system. The motivation to do so would allow the camera to properly receive reflected lights from a photographic object as taught by Mori (Col. 4, lines 18-23).

Regarding claim 2, it is noted that the Sony CyberShot DSC-D770 is a digital camera.

Regarding claim 3, Official notice is taken that the use of close-up lenses and other lenses with the Sony CyberShot DSC-D770 is notoriously well known in the art. Therefore it would have been obvious to provide the lens barrel with a close-up lens. The motivation to do so would enable the camera to focus and produce high quality focused images.

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Regarding claim 4, the combination of SUNPAK in view of Mori teaches that the supporting means (Fig. 2(c): 11) for the sensor meter can be installed at any place around the lens-barrel (See fig. 4; col. 4, lines 8-23).

Regarding claim 5, SUNPAK ^{teaches} a power supply is provided to the camera body via a frame ~~teaches~~ (SUNPAK Catalog, parts BK-1, BK-2, BK-3 and GP-04).

Regarding claim 6, the combination of SUNPAK in view of Mori teaches that the light-receiving surface provided on the metering sensor is attached so as to be inclined to a desired inclination angle with respect to the surface, which is perpendicular to the optical axis of the optical system. The combination of SUNPAK in view of Mori does not explicitly disclose the range of inclination of 20 – 85 degrees, however figs. 2 (a), 2 (b) and 2 (c) present that the sensor meter can be tilted to a large range of inclination (i.e. 20-85 degrees).

Regarding claim 7, the combination of SUNPAK in view of Mori teaches that the metering sensor is rotatably attached in the circumferential direction of the ring flash (See Mori, fig. 2 (c); col. 3, line 65 – col. 4, line 23).

Regarding claim 8, SUNPAK does not teach that the ring flash is provided with a rotating ring, which is capable of rotating about the optical axis of the objective, a sensor adapter is fixed to the rotating ring, and the metering sensor is provided on the sensor adapter.

However, in another embodiment Mori teaches a supporting ring (Fig. 3(a): 16) for mounting the sensor meter, wherein said ring can be attached to the lens-barrel by having screw threads.

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Therefore, taking the combined teaching of SUNPAK in view of MORI as a whole, it would have been obvious to one of ordinary skilled in the art to modify SUNPAK by using a supporting ring for mounting the sensor meter to the ring flash so as to rotate the sensor meter about the optical axis of the objective lens. The motivation to do so would help to adjust the position of the sensor meter by rotating it around the ring flash as desired by the user.

Regarding claim 9, the combination of SUNPAK in view of Mori teaches that the ring flash is provided with a rotating ring, which is capable of rotating about the optical axis of the objective, a sensor adapter is fixed to the rotating ring and the metering sensor (Fig. 2(a): 7) is provided on the sensor adapter via an attachment piece having a fold portion (Fig. 2 (c): 8) (Col. 3, lines 43-59).

Regarding claim 10, ^{SunPack} teaches a meter sensor signal cable (SUNPAK Catalog, parts EXT-09 and EXT-10) that enable the user to change the location of the meter sensor to a desired location (i.e. on the lens barrel).

Regarding claim 11, the combination of SUNPAK in view of Mori teaches a metering sensor that can be positioned below the ring flash during imaging by using the supporting ring (Fig. 3(a): 16).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Sony CyberShot DSC-D770 Operating Instruction Manual, which teaches that the Sony CyberShot DSC-D770 is a digital camera comprising a camera body which comprises a lens-barrel having an optical system including an objective (See DSC-D770 manual, figure in page 3, item 3),

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a finder (See DSC-D770 manual, figure in page 14, item 1), a monitoring liquid crystal display (See DSC-D770 manual, figure in page 14, item 11), a release button (See DSC-D770 manual, figure in page 17, item 3).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (703) 305-8717. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
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NDHH

June 25, 2004


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